

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

GREG DAVIS,

Plaintiff-Appellee,

-against-

1:06-CV-01323 (LEK)

BRIAN U. STRATTON, Mayor, and MICHAEL N.  
GERACI, SR., Chief of Police,

Defendants-Appellants.

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**DECISION AND ORDER**

This Court has received a Summary Order from the United States Court of Appeals for the Second Circuit in the above captioned matter. Dkt. No. 95. Therein, the Second Circuit reviewed the Court's September 9, 2008 Judgment (Dkt. No. 79) which enjoined Defendants-Appellants from (i) applying N.Y. Penal Law § 140.05 to shut down protected speech; and (ii) prohibiting Plaintiff from preaching the Gospel, leafleting, videotaping, and holding signs in certain designated public fora of the Schenectady County Community College. The Second Circuit granted Defendants-Appellants' appeal, reversing the Judgment of this Court and ordered this Court to dismiss Plaintiff-Appellee's complaint.

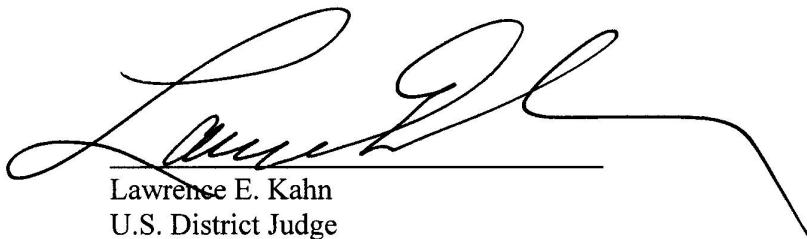
Accordingly, it is hereby

**ORDERED**, that Plaintiff's Complaint is **DISMISSED**; and it is further

**ORDERED**, that the Clerk of the Court shall serve a copies of this Order on all parties.

**IT IS SO ORDERED.**

DATED: February 04, 2010  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge